

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1386

Introduced by Assembly Member Hayashi

February 27, 2009

An act to amend ~~Section 14528.5~~ *Sections 14528.5 and 14528.55* of the Government Code, *and to amend Sections 392, 485, and 538 of the Streets and Highways Code*, relating to transportation, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1386, as amended, Hayashi. ~~State Highway Route 238. State highways.~~

Existing law authorizes a city or county in which a planned transportation facility was to be located on State Highway Route 238 in Alameda County to develop and file with the California Transportation Commission a local alternative transportation program that addresses transportation problems and opportunities, and provides for the use of revenues from the sales of excess properties acquired for the planned state facility in order to fund the local alternative program, but limits the use of revenues from excess property sales to state highway purposes. Existing law provides that the commission may not approve a local alternative program under these provisions after July 1, 2010. *Similar provisions apply to State Highway Route 84 in the Cities of Fremont and Union City, except that the use of revenues from excess property sales in that corridor are limited to state highway purposes or projects in the local voter-approved transportation sales tax measure.*

This bill would modify the restriction limiting use of revenues from excess property sales to state highway purposes *applicable to State Highway Route 238* by authorizing those revenues to be used for any highway purpose. *This bill would require revenues from excess property sales for State Highway Route 238 and State Highway Route 84 to be deposited into separate accounts in the Special Deposit Fund, a continuously appropriated fund, to be available for expenditure by local agencies for purposes of an approved local alternative transportation program for the applicable corridor route. The bill would thereby make an appropriation.*

Existing law provides for state highways to be constructed, as determined by the California Transportation Commission, on routes authorized by law. Existing law provides for relinquishment by the commission of state highways to local agencies under certain conditions.

This bill would authorize the commission to relinquish portions of State Highway Routes 92, 185, and 238 in the City of Hayward to that city subject to various conditions.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 14528.5 of the Government Code is
- 2 amended to read:
- 3 14528.5. (a) To resolve local transportation problems resulting
- 4 from the infeasibility of planned state transportation facilities on
- 5 State Highway Route 238 in the City of Hayward and Alameda
- 6 County, the city or county in which the planned facilities were to
- 7 be located, acting jointly with the transportation planning agency
- 8 having jurisdiction over the city or county, may develop and file
- 9 with the commission a local alternative transportation improvement
- 10 program that addresses transportation problems and opportunities
- 11 in the county which were to be served by the planned facilities.
- 12 Priorities for funding in the local alternative program shall go to
- 13 projects in the local voter-approved transportation sales tax
- 14 measure.
- 15 (b) The commission shall have the final authority regarding the
- 16 content and approval of the local alternative transportation
- 17 improvement program. The commission shall not approve any

1 local alternative transportation improvement program submitted
2 under this section after July 1, 2010.

3 (c) All proceeds from the sale of the excess properties, less any
4 reimbursements due to the federal government and all costs
5 incurred in the sale of those excess properties, shall be allocated
6 by the commission to fund the approved local alternative
7 transportation improvement program and shall not be subject to
8 Sections 188 and 188.8 of the Streets and Highways Code. The
9 proceeds shall be used only for highway purposes.

10 (d) (1) *The department shall maintain a separate account in*
11 *the state's Special Deposit Fund for the deposit of funds derived*
12 *from the sale of excess properties pursuant to subdivision (c). All*
13 *proceeds received by the department from the sale of those excess*
14 *properties that are available pursuant to subdivision (c) for the*
15 *local alternative transportation improvement program, less*
16 *reimbursement for costs incurred by the department for fund*
17 *administration, shall be deposited in the account, along with all*
18 *interest earnings generated by funds in the account.*

19 (2) *Funds in the account shall be available for expenditure by*
20 *local agencies for projects designated in the local alternative*
21 *transportation improvement program approved by the commission*
22 *pursuant to this section.*

23 ~~(d)~~

24 (e) This section does not apply to those highways that are in the
25 National System of Interstate and Defense Highways.

26 ~~(e)~~

27 (f) This section applies only to State Highway Route 238.

28 ~~(f)~~

29 (g) Section 14528.8 does not apply to projects undertaken
30 pursuant to this section.

31 *SEC. 2. Section 14528.55 of the Government Code is amended*
32 *to read:*

33 14528.55. (a) To resolve local transportation problems
34 resulting from the infeasibility of planned state transportation
35 facilities on State Highway Route 84 in the Cities of Fremont and
36 Union City, the cities or the county in which the planned facilities
37 were to be located, acting jointly with the transportation planning
38 agency having jurisdiction over the cities or county, may develop
39 and file with the commission a local alternative transportation
40 improvement program that addresses transportation problems and

1 opportunities in the county that were to be served by the planned
2 facilities. Priorities for funding in the local alternative program
3 shall go to projects in the local voter-approved transportation sales
4 tax measure.

5 (b) The commission shall have the final authority regarding the
6 content and approval of the local alternative transportation
7 improvement program. The commission shall not approve any
8 local alternative transportation improvement program submitted
9 under this section after July 1, 2010.

10 (c) All proceeds from the sale of the excess properties, less any
11 reimbursements due to the federal government and all costs
12 incurred in the sale of those excess properties, shall be allocated
13 by the commission to fund the approved local alternative
14 transportation improvement program and shall not be subject to
15 Sections 188 and 188.8 of the Streets and Highways Code. The
16 proceeds shall be used only for state highway purposes or for
17 projects in the local alternative transportation improvement
18 program that are also in the local voter-approved transportation
19 sales tax measure, subject to approval by the department.

20 (d) (1) *The department shall maintain a separate account in*
21 *the state's Special Deposit Fund for the deposit of funds derived*
22 *from the sale of excess properties pursuant to subdivision (c). All*
23 *proceeds received by the department from the sale of those excess*
24 *properties that are available pursuant to subdivision (c) for the*
25 *local alternative transportation improvement program, less*
26 *reimbursement for costs incurred by the department for fund*
27 *administration, shall be deposited in the account, along with all*
28 *interest earnings generated by funds in the account.*

29 (2) *Funds in the account shall be available for expenditure by*
30 *local agencies for projects designated in the local alternative*
31 *transportation improvement program approved by the commission*
32 *pursuant to this section.*

33 ~~(d)~~

34 (e) This section does not apply to those highways that are in the
35 National System of Interstate and Defense Highways.

36 ~~(e)~~

37 (f) This section only applies to State Highway Route 84.

38 ~~(f)~~

39 (g) Section 14528.8 does not apply to projects undertaken
40 pursuant to this section.

SEC. 3. *Section 392 of the Streets and Highways Code is amended to read:*

392. (a) Route 92 is from:

~~(a)~~

(1) Route 1 near Half Moon Bay to Route 280.

~~(b)~~

(2) Route 280 to Route 580 near Castro Valley and Hayward.

(b) (1) *The commission may relinquish to the City of Hayward the portion of Route 92 located within the city limits of that city, upon terms and conditions the commission finds to be in the best interests of the state.*

(2) *A relinquishment under this subdivision shall become effective immediately after the county recorder's recordation of the relinquishment resolution containing the commission's approval of the terms and conditions of the relinquishment.*

(3) *On and after the effective date of the relinquishment, both of the following shall occur:*

(A) *The portion of Route 92 relinquished shall cease to be a state highway.*

(B) *The portion of Route 92 relinquished shall be ineligible for future adoption under Section 81.*

(4) *For relinquished portions of Route 92, the City of Hayward shall maintain signs within its jurisdiction directing motorists to the continuation of Route 92 or to the state highway system, as applicable.*

SEC. 4. *Section 485 of the Streets and Highways Code is amended to read:*

485. (a) Route 185 is from Route 92 in Hayward to Route 77 in Oakland.

(b) (1) *The commission may relinquish to the City of Hayward the portion of Route 185 located within the city limits of that city, upon terms and conditions the commission finds to be in the best interests of the state.*

(2) *A relinquishment under this subdivision shall become effective immediately after the county recorder's recordation of the relinquishment resolution containing the commission's approval of the terms and conditions of the relinquishment.*

(3) *On and after the effective date of the relinquishment, both of the following shall occur:*

1 (A) *The portion of Route 185 relinquished shall cease to be a*
2 *state highway.*

3 (B) *The portion of Route 185 relinquished shall be ineligible*
4 *for future adoption under Section 81.*

5 (4) *For relinquished portions of Route 185, the City of Hayward*
6 *shall maintain signs within its jurisdiction directing motorists to*
7 *the continuation of Route 185 or to the state highway system, as*
8 *applicable.*

9 SEC. 5. *Section 538 of the Streets and Highways Code is*
10 *amended to read:*

11 538. (a) *Route 238 is from Route 680 in Fremont to Route 61*
12 *near San Lorenzo via Hayward.*

13 (b) (1) *The commission may relinquish to the City of Hayward*
14 *the portion of Route 238 located within the city limits of that city,*
15 *upon terms and conditions the commission finds to be in the best*
16 *interests of the state.*

17 (2) *A relinquishment under this subdivision shall become*
18 *effective immediately after the county recorder's recordation of*
19 *the relinquishment resolution containing the commission's*
20 *approval of the terms and conditions of the relinquishment.*

21 (3) *On and after the effective date of the relinquishment, both*
22 *of the following shall occur:*

23 (A) *The portion of Route 238 relinquished shall cease to be a*
24 *state highway.*

25 (B) *The portion of Route 238 relinquished shall be ineligible*
26 *for future adoption under Section 81.*

27 (4) *For relinquished portions of Route 238, the City of Hayward*
28 *shall maintain signs within its jurisdiction directing motorists to*
29 *the continuation of Route 238 or to the state highway system, as*
30 *applicable.*